

NATIONAL CENTER FOR ETHICS IN HEALTH CARE

- 1. REASON FOR ISSUE.** This Veterans Health Administration (VHA) Directive defines the responsibilities of the National Center for Ethics in Health Care.
- 2. SUMMARY OF MAJOR CHANGES.** This is a new VHA directive that outlines the scope of the National Center for Ethics in Health Care in relation to ethical issues that arise in patient care, health care management, and research. *NOTE: The Designated Agency Ethics Official (DAEO) and the Assistant General Counsel for Professional Staff Group III are responsible for providing advice and guidance as to the application of criminal conflict of interest laws, Title 18, United States Code, and the Standards of Conduct for Executive Branch Employees. The DAEO and Deputy Ethics Officials in the Regional Counsel's offices and in the Professional Staff Group III are the only source of authoritative advice on criminal conflicts of interest and legal questions relating to the Standards of Conduct.*
- 3. RELATED ISSUES.** VHA Handbooks 1004.1, 1004.2, 1004.3, and 1004.04.
- 4. RESPONSIBLE OFFICE.** The National Center for Ethics in Health Care (10E) is responsible for the contents of this Directive. Questions should be referred to 202-501-0364.
- 5. RESCISSIONS.** None.
- 6. RECERTIFICATION.** This VHA Directive is scheduled for recertification the last working day of July 2013.

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NATIONAL CENTER FOR ETHICS IN HEALTH CARE

1. PURPOSE: This Veterans Health Administration (VHA) Directive defines the responsibilities of the National Center for Ethics in Health Care (The Ethics Center). *NOTE: The Ethics Center does not regulate, investigate and/or discipline breaches of explicit standards articulated in law, regulation or policy.*

2. BACKGROUND

a. The National Center for Ethics was established in 1991, as a field-based national program located in White River Junction, VT. With a reorganization in 2002, the renamed National Center for Ethics in Health Care moved its primary office to Washington, DC. The Ethics Center's multidisciplinary team includes physicians, ethicists, and other specialized professional staff located in VA Central Office, the New York Harbor Health Care System (New York, NY) and the Puget Sound Health Care System (Seattle, WA).

b. Ethics is the discipline that considers what is right or what should be done in the face of uncertainty or conflict about values. Ethics involves making reflective judgments about the optimal decision or action among ethically justifiable options. Values are strongly held beliefs, ideals, principles, or standards that inform ethical decisions or actions.

c. The range of ethical practices relevant to VHA, and therefore of potential concern to the Ethics Center, includes:

(1) Shared decision making with patients (how well the organization promotes collaborative decision making between clinicians and patients).

(2) Ethical practices in end-of-life care (how well the organization addresses ethical aspects of caring for patients near the end of life).

(3) Patient privacy and confidentiality (how well the organization protects patient privacy and confidentiality).

(4) Professionalism in patient care (how well the organization fosters behavior appropriate for health care professionals).

(5) Ethical practices in resource allocation (how well the organization demonstrates fairness in allocating resources across programs, services and patients).

(6) Ethical practices in business and management (how well the organization promotes high ethical standards in its business and management practices).

(7) Ethical practices in government service (how well the organization fosters behavior appropriate for government employees).

(8) Ethical practices in research (how well the organization ensures that its employees follow ethical standards that apply to research practices).

(9) Ethical practices in the everyday workplace (how well the organization supports ethical behavior in everyday interactions in the workplace).

NOTE: Any of the preceding concerns that specifically involve compliance with criminal conflict of interest law or Standards of Conduct are also concerns for the Designated Agency Ethics Official (DAEO). The DAEO and the Assistant General Counsel for Professional Staff Group III, address issues involving the application of criminal conflict of interest laws, Title 18 United States Code (U.S.C.) and the Standards of Conduct for Executive Branch Employees. The DAEO and the Deputy Ethics Officials in the Regional Counsel's offices and in Professional Staff Group III are the only source of authoritative advice on criminal conflicts of interest and the legal questions relating to Standards of Conduct.

3. POLICY: It is VHA policy that the National Center for Ethics in Health Care serves as the primary VHA resource for addressing the complex ethical issues that arise in health care, including issues relating to clinical ethics, organizational ethics, and research ethics.

4. RESPONSIBILITIES: The Ethics Center is tasked with clarifying and promoting the use of ethical health care practice within VHA and nationwide and works in collaboration with VHA senior leadership, field facilities and program offices to accomplish these tasks. The Ethics Center's work is aimed at continuously improving VHA's ethics-related decisions, actions, systems, processes, environment, and culture by providing analysis, information, education, advice, and support. Leaders and senior staff in VHA Central Office and the field can contact the Ethics Center at (202) 501-0364 or by e-mail at VHA Ethics (vhaethics@va.gov). Additional information about Ethics Center programs, policies, and activities can be found at <http://vaww.ethics.va.gov>. The Ethics Center fulfills its responsibilities through the following strategies:

a. **Clarifying Standards for Ethical Health Care Practice**

(1) **Policy Development.** The Ethics Center identifies, analyzes, and clarifies standards for practice through the development and interpretation of VHA national policies on ethics in health care. Policies for which the Ethics Center has primary responsibility include policies on informed consent for treatments and procedures, ethical aspects of end-of-life care, advance care planning, state-authorized portable orders, disclosure of adverse events to patients, and financial relationships between VHA health care providers and industry. In addition, the Ethics Center comments on the ethical aspects of VHA national policies for which other program offices have primary responsibility, such as policies relating to the protection of human research subjects, disclosure of health information, and organ transplantation. New policies are developed as the need arises. In all of these activities, the Ethics Center collaborates closely with other program offices.

(2) **The National Ethics Committee (NEC).** The NEC is an internal VHA advisory committee that produces concise, practical reports and recommendations on ethical controversies affecting VHA patients, providers, and managers. Ethics Center staff oversee and manage the

NEC and its deliberations, and write, disseminate, and provide education about NEC reports and recommendations. The NEC reports to the Executive Committee of the National Leadership Board through the Chief Ethics in Health Care Officer.

b. **Developing and Implementing Programs for Improving Ethical Health Care Practice.** The Ethics Center is responsible for developing and implementing systematic approaches to continuously improve ethics programs and practice throughout VHA such as Integrated Ethics, a major national organizational change initiative to create a comprehensive, systematic, integrated approach to ethics in health care.

c. **Serving as a Resource for Information, Advice and Support Related to Ethics in Health Care.** The Ethics Center develops and provides the following resources for VHA leaders, field-based ethics programs, employees, and veterans:

(1) Ethics consultation in health care. *NOTE: Ethics consultation in health care is a service provided by an individual ethics consultant, ethics consultation team, or ethics committee to help patients, providers and other parties resolve ethical concerns in a health care setting. The overall goal of ethics consultation is to improve health care quality by facilitating the resolution of ethical concerns.*

(2) Technical assistance and outreach.

(3) Educational forums, such as National Ethics Teleconferences.

(4) Periodic and *ad hoc* publications and communications.

(5) Internet and intranet websites offering a range of ethics resources and links.

d. **Supporting the Development and Use of Electronic Tools to Support Patient Decision Making and Enhance Ethical Practice.** The Ethics Center develops and disseminates practical automated tools to facilitate the standardization of ethical practice. This includes, for example, a multi-functional software program for documenting patient decisions, such as informed consent and advanced directives (iMedConsent™), a web-based system for tracking ethics consultations (*ECWeb*), and an interactive web-based advance care planning tool designed for veterans called "Your Life, Your Choices."

e. **Conducting and Facilitating Continuous, Systematic Evaluation of Ethics Programs and Practices Across VHA.** The Ethics Center develops assessment tools and performance measures and monitors for VA Central Office, Veterans Integrated Services Network (VISN), and facility leaders to review current practices as well as progress toward established goals.